

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

JOHNNY LEE DATES,

Plaintiff,

Case No. 1:07cv1129

v.

Hon. Robert J. Jonker

MICHIGAN DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

---

**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on January 30, 2008. The time permitted for objections to the Report and Recommendation has elapsed, and no objections have been filed under 28 U.S.C. § 636(b)(1)(C). Accordingly,

**IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed January 30, 2008, is **APPROVED AND ADOPTED** as the opinion of the court.

**IT IS ORDERED** that the adoption of the Report Recommendation and dismissal of this action counts as a strike for purposes of 28 U.S.C. § 1915(g).

**IT IS FURTHER ORDERED** that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3). See *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6<sup>th</sup> Cir. 1997).

/s/Robert J. Jonker  
Robert J. Jonker  
United States District Judge

Dated: February 21, 2008